

## REMARKS

Claims 1-34 are pending in the present reissue application. In an Office Action dated December 13, 2004, the Examiner indicates that claims 1, 2, 8, 20, and 30 contain subject matter allowable to Applicant.<sup>1</sup> However, the Examiner further indicates that claims 19, 22-29, and 32-34 are variously rejected on prior art grounds under 35 U.S.C. §§ 102 and 103 in view of U.S. Patent No. 3,582,000 to Werkmeister and U.S. Patent No. 5,662,014 to Link. Additionally, the Examiner takes objection to several points of the reissue application.

In reply, Applicant submits the present Response with Amendment and Remarks. Particularly, Applicant herein amends independent claims 19 and 27 to include allowable subject matter, thus placing these claims in condition for allowance.

In the outstanding Office Action at page 11, item 9, the Examiner states that “Werkmeister...is the closest cited reference...[but]...does not teach or fairly suggest...means for locking and actuating the pusher between an offset position and a position where the pusher is aligned with the bar deposited on the supporting elements...” Accordingly, the Examiner concludes that claims 2 and 8, which include this limitation, are allowable to Applicant.

Claims 19 and 27 are herein amended to further recite, “said bar pusher being configured to be locked and actuated between an offset position and the position where said pusher is aligned with a bar deposited on supporting elements.” This limitation, as indicated by the Examiner in the Office Action, is not taught or suggested by Werkmeister and is allowable. Accordingly, claims 19 and 27 are now in condition for allowance. Claims 20-26 and 28-34 variously depend from allowable claims 19 and 27 and are thus similarly allowable. Reconsideration and withdrawal of the outstanding §102 and §103 rejections is thus respectfully requested.

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<sup>1</sup> Since claims 3-7 and 9-18 variously depend from allowable independent claims 1 and 8, these claims are also allowable to Applicant. Furthermore, claims 21 and 31 respectively depend from allowable claims 20 and 30 and thus claims 21 and 31 are allowable as well.

Applicant refers to the Interview Summary form of November 10, 2003 in which the Examiner suggests the incorporation of allowable subject matter into claims 19 and 27 in order to place the application in condition for allowance. Applicant herein takes the Examiner's suggestion. Prompt issuance of a Notice of Allowance is respectfully requested.

In addition to the above-mentioned grounds for the allowability of claims 19 and 27, Applicant now provides several additional points of patentability of the claims.

Claim 19 recites, "a carriage having grip elements for the bar to be advanced, said carriage being slidably actuated between an initial position, where said grip elements are actuated so as to grip the bar deposited thereon and a final position, where said bar is released by said grip elements after inserting the bar in the collet".

With regard to this claim limitation, the Examiner states that Werkmeister discloses a carriage 9 as shown in Figure 4 with grip elements 22 as shown in Figure 1, where the carriage 9 is slidably actuated along a sliding member 8 (Figure 6) between an initial position with the grip elements 22 in a closed position and a final position in which the bar is released by the grip elements 22. Office Action, item 5, pages 3-4.

Applicant respectfully submits that this is a misinterpretation of the reference. The thrust of the Werkmeister invention is "a movable gripper carrier which serves to move the jaws of the gripper into or out of the displacement track of the feed member..." Col. 1, lines 44-49. This configuration allegedly overcomes disadvantages of the prior art which involved a stationary gripping device disposed in the path traveled by the feed member. Col. 1, lines 11-12 and 30-40. Indeed, as pointed out by the Examiner, the carriage 9 having the grip elements 22 is slidable along the sliding member 8. However, the carriage 9 is slidable only from a lower position, beneath a deposited workpiece, to a raised position in which the gripping elements 22 are positioned to engage the work piece. Col. 3, lines 38-65. In the raised position, the workpiece lies between the gripping elements 22 such that the gripping elements 22 may close thereon and grip the work piece. *Id.* Once the workpiece is gripped, the carriage 9 remains stationary "[t]he feed clamp 45 is pushed on to the workpiece by means of the feed member [44]". Col. 3, lines

47-48. The grip elements 22 release the workpiece and it is carried off by the feed member 44 for machining. Col. 3, lines 58-65.

Thus, the carriage 9 of Werkmeister is not “slidably actuated between an initial position, where said grip elements are actuated so as to grip the bar deposited thereon and a final position, where said bar is released by said grip elements after inserting the bar in the collet”, as required by Applicant’s claim 19. In Werkmeister, the position in which the grip elements 22 of the carriage 9 grip the workpiece is the same position in which the workpiece is released. As discussed, the carriage 9 *is* slidable from a lower position beneath the workpiece to a raised position in which the workpiece lays between the grip elements 22. However, the carriage is not slidable between an initial gripping position and a final releasing position as in claim 19 because, in Werkmeister, gripping and releasing of the workpiece occur in the same position.

For at least this reason, claim 19 is allowable over Werkmeister; reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claim 27 recites, “said carriage being slidable so as to advance the bar end into the collet”. As discussed above, the carriage 9 of Werkmeister is slidable from a lower position below a deposited workpiece to a raised position in which the workpiece lay between the grip elements 22 of the carriage 9. In the raised position, the grip elements 22 are actuated to engage the workpiece. The carriage 9 and grip elements 22 hold the workpiece stationary while the feed clamp 45 is pushed onto the workpiece by the feed member 44. Thus, necessarily, the carriage 9 is not “slidable so as to advance the bar end into the collet”, as required by claim 27. To the contrary, the carriage 9 of Werkmeister is stationary when gripping the workpiece and does not advance the workpiece into the feed clamp 45.

For at least this reason, claim 27 is allowable over Werkmeister; reconsideration and withdrawal of the relevant rejection is respectfully requested.

Per the Examiner’s request, Applicant shall forward a supplemental reissue oath/declaration under 37 C.F.R. §1.175(b).

The foregoing amendments and remarks fully comply with the Office Action and, for at least the reasons set forth herein, all of pending claims 1-34 are now allowable to Applicant. Thus, reconsideration of the application, allowance thereof, and passage to issue are respectfully requested.


The Examiner is invited to contact Applicant's attorney at the below-listed telephone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required for consideration of the present Response.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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